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AF # 1744

TRANSMITTAL FORM

FEB 16 2005

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission: 48

Application Number	09/868,667
Filing Date	09/04/2001
First Named Inventor	Eric Jeffrey Lannert
Art Unit	2121
Examiner Name	Starks, Wilbert L.
Attorney Docket Number	05222.00179

ENCLOSURES *(check all that apply)*

- ☒ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment / Reply
  - ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
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- ☒ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) *(please identify below)*:

Certificate of Express Mailing; Return Receipt Postcard

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Being filed via Express Mail Label No. EV363907642US

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Banner & Witcoff, LTD.		
Signature	Kenneth F. Smolik		
Printed Name	Kenneth F. Smolik		
Date	02/16/2005	Reg. No.	44,344

CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO FEB 16 2005 PATENT & TRADEMARK OFFICE

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL for FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	($) 500

Complete if Known	
Application Number	09/868,667
Filing Date	09/04/2001
First Named Inventor	Eric Jeffrey Lannert
Examiner Name	Starks, Wilbert L.
Art Unit	2121
Attorney Docket No.	05222.00179

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : _____

☒ Deposit Account Deposit Account Number: 19-0733 Deposit Account Name: Banner & Witcoff, LTD.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee ($)	Fee($)	Fee($)	Fee($)	Fee($)	Fee($)	Fees Paid ($)
Utility	300	150	500	250	200	100	____
Design	200	100	100	50	130	65	____
Plant	200	100	300	150	160	80	____
Reissue	300	150	500	250	600	300	____
Provisional	200	100	0	0	0	0	____

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 30 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee($)	Fee Paid ($)
____ -20 or HP=	____	x ____	= ____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee($)	Fee Paid ($)
____ - 3 or HP=	____	x ____	= ____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims	
Fee ($)	Fee Paid ($)
____	____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
____ - 100 =	____	/ 50 = ____ (round **up** to a whole number) x		= ____

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	____
Other (e.g., late filing surcharge) : Filing a brief in support of an appeal	500

SUBMITTED BY

Signature	Kenneth F. Smolik	Registration No. (Attorney/Agent) 44,344	Telephone (312) 463-5000
Name (Print/Type)	Kenneth F. Smolik		Date 02/16/2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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OIPE JC112 FEB 16 2005 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	
Lannert, et. al.	Group Art Unit: 2121
Serial No.: 09/868,667	Examiner: Starks, Wilbert L
Filed: September 4, 2001	Attorney Docket No: 005222.00179
For: A Goal Based System Tailored to the Characteristics of a Particular User	

BRIEF ON APPEAL

Mail Stop: Appeal Brief-Patents
Commissioner of Patents
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Sir:

Pursuant to 37 C.F.R. § 1.192, Appellants submit this Appeal Brief, in triplicate, to the Board of Patent Appeals and Interferences in response to the Final Office Action mailed on August 16, 2004 and the Advisory Action mailed November 29, 2004. A Notice of Appeal was timely filed on December 16, 2004. Please charge any necessary fees in connection with this Appeal Brief to Deposit Account No. 19-0733.

1. Real Parties in Interest

The real party in interest is ACCENTURE LLP.

2. Related Appeals and Interferences

Appellants are unaware of any appeals or interferences related to the subject appeal.

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3. Status of the Claims

Claims 1-18 are pending and are found in the Appendix. Claims 1-18 stand rejected. No claims have been allowed.

4. Status of Amendments

No amendment after final rejection has been filed.

5. Summary of the Invention

An embodiment is directed to systems and methods to provide a cognitive educational experience, in which a user experiences a simulated real-world environment. An artificial intelligence (AI) engine may be utilized to drive individualized and dynamic feedback with synchronized video and graphics. The user navigates through a presentation at a pace controlled by the user. Moreover, a website is linked to the presentation to provide context-sensitive information to assist the user. Page 1, lines 31-38. Prior art educational systems typically utilize static, hard-coded feedback with some video and graphics to add visual appeal and to illustrate concepts. Typically, prior art educational systems do not architect real business simulations into the rules that provide a creative experience for the user. Page 2, lines 2-29.

An embodiment provides systems and methods that utilize a rule based expert training system to provide a cognitive educational experience for a user with a simulated environment. Abstract. Mistakes by the user are noted and remedial educational material is dynamically presented to build necessary skills that a user may require in the associated business endeavor. The embodiment utilizes an artificial intelligence engine that drives individualized dynamic

feedback with synchronized video and graphics to simulate a real-world environment with user interactions. Multiple correct answers are integrated to allow individualized learning experiences, in which the user navigates through the presentation at the user's pace. The embodiment characterizes the user in order to tailor the presentation.

Figure 2 (as shown below) illustrates a system architecture of an embodiment of the invention. Page 3, line 32 – page 4, line 12.

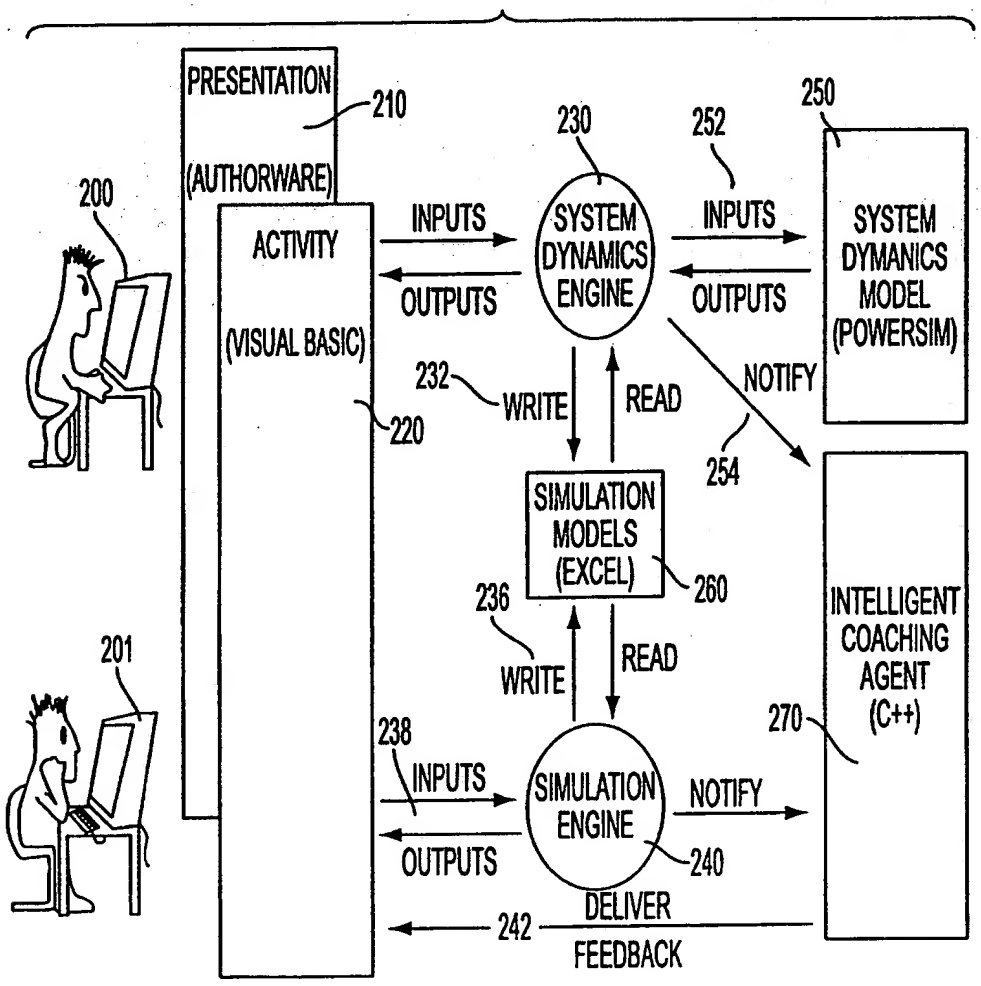

FIG. 2

Presentation layer 210 is separate from activity layer 220 and communication is facilitated through system dynamics engine 230 that controls the display specific content topics. An embodiment enables users (e.g., knowledge workers) 200 and 201 to acquire skills by placing individual users 200 and 201 in a simulated business environment. System dynamics engine 230 may include a mathematical tool which simulates business outcomes of an individual's collective actions over a period of time. System dynamics model 250 may consist of an HTML content layer which organizes and presents packaged knowledge. Intelligent coaching agent 270 comprises artificial intelligence agent 240 which generates individualized coaching messages based on decisions made by the individual user 200 or 201. Feedback 242 is unique for each individual user 200 or 201 completing the course. The embodiment may provide a large number of pre-designed learning interactions such as inputs/outputs 238.

The system architecture shown in Figure 2 may be seamlessly integrated into the business system that the knowledge worker uses to execute their job tasks. Page 4, line 39 – page 5, line 3. Workers don't need to go "off-line" or seek out cryptic information buried within paper manuals and binders for guidance or to find the answer to queries. All the support components are made available through the same applications the worker's use, at the point in which they need them, tailored to the individual to show "how", not just "what." Thus, learning by knowledge worker (as supported by instructional teaching by the system) may be occurring all the time, with little distinction between performing and improving performance.

Figure 18 (as shown below) illustrates student interaction in accordance with an embodiment of the invention, in which a user (student) journalizes invoices. Page 18, lines 6-26.

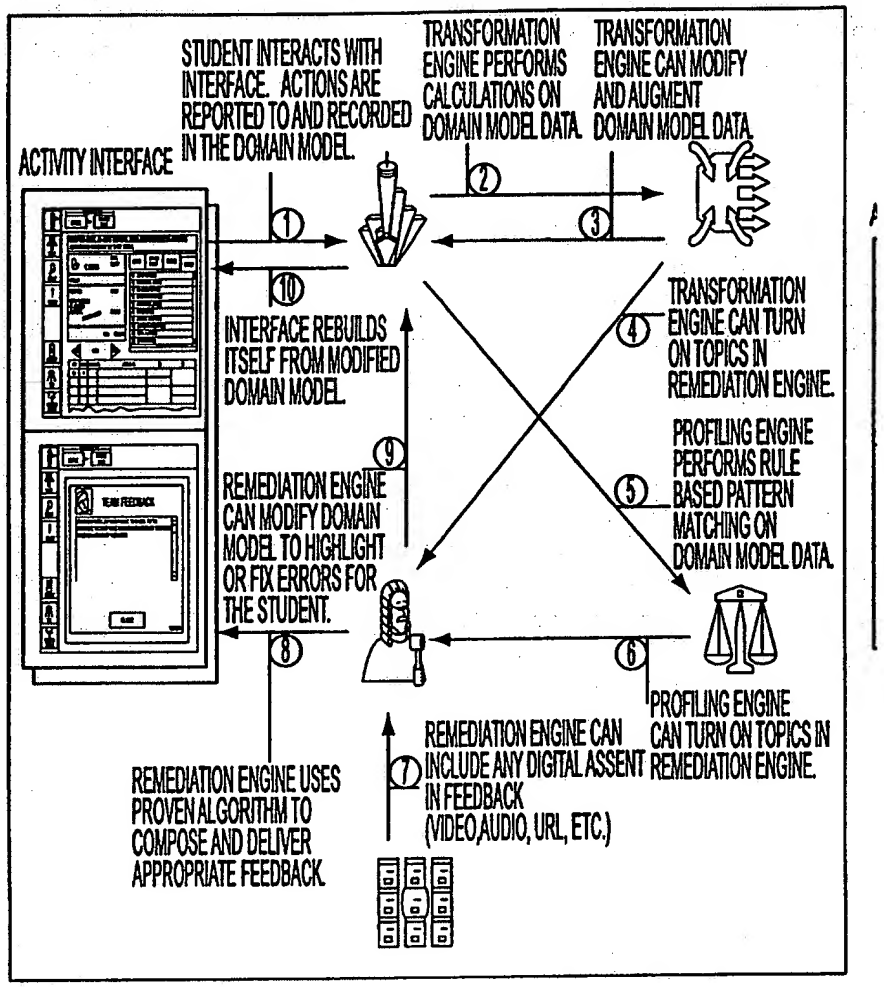

FIG. 18

As the user interacts with the interface, all actions are reported and recorded in the Domain Model and are submitted when the student is ready. An Analysis-Interpretation cycle is triggered and a Transformation Component is invoked to perform further calculations (e.g., verifying that debits and credits match in the submitted journal entries) on the submitted data in the Domain Model. A Profiling Component may subsequently perform rule-based pattern matching on the data in the Domain Model, examining both the student actions and the results of the

Transformation Component analysis. Some of the resulting profiles may activate topics in the Remediation Component, which is then invoked. The remediation algorithm searches active topics in order to determine the best set of topics to deliver to the user. For example, the topics may contain text, video, audio, and URLs. The presented material may be assembled into prose-like paragraphs to text and media and may include links to reference material.

6. Issues

The Office Action has not rejected any claims under 35 U.S.C. § 102 or under 35 U.S.C. § 103, and thus have not provided any teachings that teach or even suggest the claimed invention.

The issues under appeal are:

a) whether the claimed invention is limited to practice in the technological arts;

c) whether the clamed invention provides useful, concrete, and tangible results; and

d) whether the claims are compliant with 35 U.S.C. § 112, first paragraph.

7. Grouping of Claims

The following claims stand or fall together in the eight indicated groups: (a) claim 1; (b) claim 10; (c) claims 2, 3, 11, and 12; (d) claims 4, 5, 13, and 14; (e) claims 6 and 15; (f) claims 7 and 16; (g) claims 8 and 17; and (h) claims 9 and 18.

8. Argument

A. Office Action fails to show that claims 1-18 are directed to non-statutory subject matter.

1. Claimed invention is claimed to be practiced on a computer system.

The Office Action alleges that "Claims 1-18 are not claimed to be practiced on a computer, therefore, it is clear that the claims are not limited to practice in the technological arts." (Page 2, paragraph 2.) However, claim 1 is directed to "A method for creating a presentation on a computer system," and thus is claimed to be practiced on a computer. Claims 2-9 ultimately depend from claim 1. Claim 10 is directed to "An apparatus that creates a presentation on a computer system," and thus is claimed as apparatus to be practiced on a computer. Thus, claims 11-18 ultimately depend from claim 10. Claims 1-18 are limited to practice in the technological arts. The rejections of claims 1-18 under 35 U.S.C. § 101 should be reversed.

2. The claimed invention provides useful, concrete, and tangible results.

The Office Action further alleges that claims 1-18 are not "limited to practical applications in the technological arts." (Page 2, paragraph 3.) The Office Action further alleges that the "Applicant cites no such specific results to define a useful, concrete and tangible result." (Page 4, paragraph 8.) Specifically, the Office Action alleges that (Page 5, paragraph 10.):

> Applicant manipulated a set of abstract "information indicative of a goal" to solve purely algorithmic problems in the abstract i.e., what kind of "information" is used in the goal?

However, claim 1 includes the feature of "receiving goal-related information indicative of a goal, **the goal-related information specifying one or more learning objectives of the presentation, the goal being associated with a training objective**." (Emphasis added.) The goal-related

information is specific to a useful, concrete, and tangible result, in which one or more learning objectives of the presentation are specified. Also, claim 10 includes "a memory that stores goal-related information under the control of the processor, the goal-related information specifying one or more learning objectives of the presentation, the goal being associated with a training objective," and thus specifies a memory that provides a useful, concrete, and tangible result.

In addition to the useful, concrete, and tangible results, as discussed above, claims 2, 3, 11, and 12, claims 4, 5, 13, and 14, claims 6 and 15, claims 7 and 16, claims 8 and 17, and claims 9 and 18 provide additional useful, concrete, and tangible results. Claims 2, 3, 11, and 12 include the features of "instantiating a particular feedback model based on the characteristics of the user" and "logic that instantiates a particular feedback model based on the characteristics of the user." For example, referring to Figure 2, a particular feedback model is instantiated to provide feedback 242 to user 201. Claims 4, 5, 13, and 14 include the features of "creating a tailored presentation based on the characteristics of the user" and "logic that creates a tailored presentation based on the characteristics of the user." For example, referring to Figure 2, a tailored presentation, as provided by presentation layer 210, is created for user 201. Claims 6 and 15 include the features of creating the presentation by "selecting examples based on the characteristics of the user" and "logic that selects examples based on the characteristics of the user." For example, referring to Figure 2, presentation layer 210 provides a presentation to user 201 with examples based on the characteristics of user 201. Claims 7 and 16 further include the features of creating a presentation by selecting a quantitative analysis model to perform what-if analysis based on characteristics of the user" and "logic that selects a quantitative analysis model to perform what-if analysis based on characteristics of the user." Claims 8 and 17 include the features of "tailoring feedback based on a character profile based on the user responses" and

"logic that tailors feedback based on a character profile based on user responses." For example, feedback is provided to user 201 based on a character profile based on user responses 238. Claims 9 and 18 include the features of "presenting a tailored simulation based on characteristics of the user" and "logic that presents a tailored simulation based on characteristics of the user." For example, referring to Figure 2, simulation engine presents a tailored simulation based on characteristics of user 201.

Claims 2-9 and 11-18 depend from independent claims 1 and 10 and thus contain statutory subject matter. The above discussion provides further reasons for reversing the rejections of claims 1-18 under 35 U.S.C. § 101.

3. "Learning objectives" as claimed are not a type of human thought.

Claim 1 includes the feature of "receiving goal-related information indicative of a goal, the goal-related information specifying one or more **learning objectives** of the presentation, the goal being associated with a training objective." (Emphasis added.) The Office Action alleges that (Pages 8-9, paragraph 18.):

> Applicant discloses a goal that is "associated" with a training objective, but does not explain what the association is. Are the two the same thing? Are they simply on the same page? What is the association? Furthermore, Applicant includes the word "learning objectives" as a critical element to try to overcome the 101 rejection. Examiner finds this to be insufficient because "learning", in this context, is a type of human thought and patents are not available for human thoughts nor are they available for the objectives for human thought.

The Advisory Action further alleges that (Page 2):

> Applicant's "learning objectives" by themselves are not "concrete" or tangible." They are goals for human learning...human thought. E.g., the goals could be purely mathematical, that is goals for learning mathematical equations or principles. Such things are per se nonstatutory, even of [if] you say someone will learn them.

As claimed, and as supported by the specification as originally filed, the term "learning objectives'" is not directed to human learning and thus is not directed to a type of human thought. For example, the specification discloses (Page 22, lines 8-13. Emphasis added.):

> The most important issue when creating target groups is to create them along the **concepts students need to know to achieve the goal.** Grouping targets into groups which are analogous to the concepts a student needs to know, allows the tutor to review the concepts and see which concepts confuse the student. As a first step, a designer should identify in an unstructured manner all of the concepts in the domain. This first pass will be a large list which includes concepts at a variety of granularities, from small specific concepts to broad general concepts. **These concepts are most likely directly related to the learning objectives of the course.**

As cited above, "learning objectives" refers to "learning objectives of the course" and not to human thought. Furthermore, the specification discloses (Page 4, lines 24-33. Emphasis added.):

> Most corporate training programs today are misdirected because they have failed to focus properly on the purpose of their training. These programs have confused the memorization of facts with the ability to perform tasks; the knowing of "that" with the knowing of "how". By adopting the methods of traditional schools, businesses are teaching a wide breadth of disconnected, decontextualized facts and figures, when they should be focused on improved performance. How do you teach performance, when lectures, books, and tests inherently are designed around facts and figures? Throw away the lectures, books, and tests. The best way to prepare for high performance is to perform; experience is the best teacher! Most business leaders agree that workers become more effective the more time they spend in their jobs. The best approach for **training** novice employees, therefore, would be letting them learn on the job, **acquiring skills in their actual work environment.** The idea of learning-by-doing is not revolutionary, yet it is resisted in business and academia. Why is this so, if higher competence is universally desired?

The Office Action further alleges "Applicant discloses a goal that is 'associated' with a training objective, but does not explain what this association is." (Page 8, paragraph 18.) As cited in the above teachings, a "training objective" is directed to an employee (student) "acquiring skills in their actual work environment." As disclosed in the above teachings, the goal comprises the concepts that the student needs to know. Moreover, the concepts (i.e., small

specific concepts to broad general concepts in a list) "are most likely directly related to the learning objectives of the course". The concepts are associated with the learning objectives because the concepts "are most likely directly related to the learning objectives of the course". Additionally, the computer system must receive goal-related information, for example, to identify "which concepts confuse the student". As claimed in claim 1, and supported by the specification, "learning objective" is not a type of human thought.

Also, claim 10 includes "a memory that stores goal-related information under the control of the processor, the goal-related information specifying one or more learning objectives of the presentation, the goal being associated with a training objective." As discussed above, "learning objectives", as claimed in claim 10, is not a type of human thought.

Claims 2-9 and 11-18 depend from independent claims 1 and 10 and thus contain statutory subject matter. The above discussion provides further reasons for reversing the rejections of claims 1-18 under 35 U.S.C. § 101.

B. All claims are compliant with 35 U.S.C. § 112, first paragraph.

The Office Action alleges that "Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph because current case law (and accordingly, the MPEP) require such a rejection." The rejections of claims 1-18 under 35 U.S.C. § 101 should be reversed for at least the above reasons. Consequently, the Office Action fails to establish any reasons for rejecting claims 1-18 under 35 U.S.C. § 112. Thus, the rejection of claims 1-18 under 35 U.S.C. § 112 should be reversed.

Conclusion

Claims 1-18 are being appealed. The rejections contained in the Office Action of August 16, 2004 should be reversed for at least the reasons recited above. Reversal of the rejections is requested.

Respectfully Submitted,

Banner & Witcoff, LTD

Date: February 16, 2005

By: Kenneth F. Smolik

Kenneth F. Smolik
Registration No. 44,344
Banner & Witcoff, Ltd.
10 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Telephone: 312-463-5000
Facsimile: 312-463-5001

APPENDIX

1. A method for creating a presentation on a computer system, comprising the steps of:

(a) receiving goal-related information indicative of a goal, the goal-related information specifying one or more learning objectives of the presentation, the goal being associated with a training objective;

(b) querying a user for user-related information based on said one or more learning objectives of the presentation;

(c) analyzing the user-related information from user responses to ascertain user characteristics;

(d) integrating instruction-related information that motivates accomplishment of the goal for use in the presentation based on the user characteristics; and

(e) evaluating progress toward the goal and providing feedback based on the user characteristics that further motivates accomplishment of the goal.

2. The method for creating the presentation as recited in claim 1, including the step of instantiating a particular feedback model based on the characteristics of the user.

3. The method for creating the presentation as recited in claim 2, including the step of analyzing the user responses using an expert system to determine characteristics of the user.

4. The method for creating the presentation as recited in claim 1, including the step of creating a tailored presentation based on the characteristics of the user.

5. The method for creating the presentation as recited in claim 4, including the step of storing portions of the tailored presentation based on the characteristics of the user.

6. The method for creating the presentation as recited in claim 1, including the step of selecting examples based on the characteristics of the user.

7. The method for creating the presentation as recited in claim 1, including the step of selecting a quantitative analysis model to perform what-if analysis based on characteristics of the user.

8. The method for creating the presentation as recited in claim 1, including the step of tailoring feedback based on a character profile based on the user responses.

9. The method for creating the presentation as recited in claim 1, including the step of presenting a tailored simulation based on characteristics of the user.

10. An apparatus that creates a presentation on a computer system, comprising:

(a) a processor;

(b) a memory that stores goal-related information under the control of the processor, the goal-related information specifying one or more learning objectives of the presentation, the goal being associated with a training objective;

(c) logic that queries a user for user-related information based on said one or more learning objectives of the presentation;

(d) logic that analyzes the user-related information from user responses to ascertain user characteristics;

(e) logic that integrates information that motivates accomplishment of the goal for use in the presentation based on the user characteristics; and

(f) logic that evaluates progress toward the goal and providing feedback based on the user characteristics that further motivates accomplishment of the goal.

11. The apparatus that creates the presentation as recited in claim 10, including logic that instantiates a particular feedback model based on the characteristics of the user.

12. The apparatus that creates the presentation as recited in claim 10, including logic that analyzes user responses using an expert system to determine the characteristics of the user.

13. The apparatus that creates the presentation as recited in claim 10, including logic that creates a tailored presentation based on the characteristics of the user.

14. The apparatus that creates the presentation as recited in claim 10, including logic that stores portions of the tailored presentation based on the characteristics of the user.

15. The apparatus that creates the presentation as recited in claim 10, including logic that selects examples based on the characteristics of the user.

16. The apparatus that creates the presentation as recited in claim 10, including logic that selects a quantitative analysis model to perform what-if analysis based on characteristics of the user.

17. The apparatus that creates the presentation as recited in claim 10, including logic that tailors feedback based on a character profile based on the user responses.

18. The apparatus that creates the presentation as recited in claim 10, including logic that creates a multimedia presentation, and including logic that presents a tailored simulation based on characteristics of the user.